

Testimony of Ann M. Catino
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&
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Public Hearing, February 24, 2015
Commerce Committee

Proposed Bill No. ~~6803~~ ⁶⁸³⁰

My name is Ann Catino and I am a partner at the law firm of Halloran & Sage in Hartford. I have practiced for over 25 years in the area of environmental law. For the past several years, together with Gary O'Connor, I have been pleased to serve as co-chair of the Brownfield Working Group, formerly the State's Task Force on Brownfield Strategies.

I want to first thank Representative Perone, Senator Hartley, the members of the Commerce Committee and former Chair Berger and Senator LeBeau for all your leadership and support for the brownfield initiatives in this State that have been proposed by the Brownfield Working Group. Beginning in 2006, new laws were passed every year that broke ground on many new and innovative programs. The Office of Brownfield Remediation and Development was established and now we have a new director, Tim Sullivan. New programs were developed and are administered by the Department of Economic and Community Development. In 2013, the municipal grant and loan programs were overhauled and streamlined. The Task Force recommended when it first started that \$250 Million be set aside for these programs. Although this amount was not achieved, approximately \$20-25 million has been made available annually, although it does vary. Nonetheless, multiple projects were funded in many municipalities and are underway. These programs have implemented the vision of the Task Force for a predictable, clear, and regular grants and loan programs. Commissioner Smith is to be applauded for her efforts and leadership. Under Tim Sullivan's direction, we see the full implementation of programs that are placing brownfields back into the marketplace. Without exception, almost every quarter, new funding rounds are announced, a competitive process is put into place and new projects funded. Municipalities are better understanding these programs and there is significantly new interest and competition. So, there is a lot more to do.

The Brownfields Working Group continues to meet with Tim Sullivan and representatives of the Department of Energy & Environmental Protection, who has been a good partner in moving

these properties forward as well. We meet to be your eyes and ears, and to determine whether the programs are working and to determine what more needs to be done.

Although HB 6830 is sponsored by the agency, these topics have been discussed and reviewed by the Working Group. Specific to section 1 of 6830, the municipal grant program and the targeted loan program does not provide the necessary flexibility for providing additional funding for projects when there are legitimate cost overruns. When Brownfield sites are remediated, sometimes buried drums may be encountered where you least expect it; and the contamination could migrate further in the soil than originally be modelled. This change provides that flexibility to keep the remediation and project going. Section 1 of 6830 also allows grants to municipalities and economic development agencies for planning for the remediation and redevelopment of multiple brownfields. This allows for consolidation of properties and the planning function was not included previously. In addition, in section 2, if the only issue at a brownfield site is hazardous building materials that requires abatement, the loan recipient does not have to enter one of the DEEP's site remediation programs as those programs are really inapplicable to hazardous building materials. These are all good changes. What needs more fine tuning, however, is section 2(a) in the bill which permits the loan recipient to use the funds for acquisition of a brownfield. This concept is still a work in progress as the Working Group has divergent views on whether the funds should be used for property acquisition as opposed to clean up. We have discussed various scenarios with the Department as to such an initiative and how the law of unintended consequences could take over. So, we would welcome and would like the opportunity to work with the Committee and the Commissioner further on this.

Finally, although not presently a bill before you, I ask that you discuss and consider providing DECD with continued bond funding to run the Brownfield programs. They have demonstrated success with all the properties across the State, turning these sites back into productive use. I would ask that you consider continuing the funding at \$25 million a year. Regular funding is critical to the success of these programs and restoring these properties.

THANK YOU.